

UNITED STATES BANKRUPTCY COURT
DEPARTMENT 2
JUDGE LOUISE DeCARL ADLER, PRESIDING
WEDNESDAY, FEBRUARY 25, 2015

10:00 AM

13-01120-LA Ch 13 KEVIN MATTHEW & SANDRA JEAN KELLEY

DEBTOR'S MOTION FOR APPROVAL OF MODIFIED PLAN

Tentative Ruling: If satisfactory PCM is negotiated in advance of this hearing, notify the courtroom deputy and appearances will be excused and the plan, as modified, confirmed.

ATTORNEY: WILLIAM F. MCDONALD (KEVIN MATTHEW KELLEY, SANDRA JEAN KELLEY)

13-11074-LA Ch 13 LOUIS DAVID & ROSEMARY SAWI VALDEZ

1) DEBTOR'S MOTION TO MODIFY CHAPTER 13 PLAN

Tentative Ruling: **MATTER OFF CALENDAR.** Modified plan confirmed by order at ECF #83.

No appearances required.

2) TRUSTEE'S MOTION TO DISMISS CASE (fr. 1/14/15)

Tentative Ruling: **MATTER OFF CALENDAR.** Trustee has withdrawn motion. (ECF #84)

ATTORNEY: BRIAN R. MASON (LOUIS DAVID VALDEZ, ROSEMARY SAWI VALDEZ)

13-12082-LA Ch 13 JUAN VIRAMONTES

MOTION FOR RELIEF FROM STAY, RS # GAR-1 FILED BY GAIL A. RINALDI ON BEHALF OF NATIONSTAR MORTGAGE LLC
(fr. 1/14/15)

Tentative Ruling: This matter was continued for the parties to arrive at an APO. No APO nor status report has been filed so Court is unable to post a tentative ruling. If an APO is achieved in advance of this hearing, notify the courtroom deputy and appearances will be excused. If that occurs, counsel will be awarded the guideline fee for his services.

ATTORNEY: ANDREW H. GRIFFIN (JUAN VIRAMONTES)

10:00 AM

14-04664-LA Ch 13 BYRON R. PATRICK

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN AND MOTION TO DISMISS CASE. FILED BY DAVID L. SKELTON

Tentative Ruling: Trustee's objections to plan confirmation **SUSTAINED**. Plan denied confirmation; case dismissed. Unopposed.

Court declines to award guideline fees to counsel for the debtor. Counsel has failed to respond to the trustee's objection to confirmation (LBR 3015-5(c)) and has failed to submit a status report (LBR 3015-6). Court will retain jurisdiction so that Counsel may file a fee application within the next 30 days; if he fails to do so, Court will no longer consider a fee request in this matter.

ATTORNEY: CARL H. STARRETT (BYRON R. PATRICK)

14-07026-LA Ch 13 DONNA MARIE ROGERS

- 1) OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN FILED BY JENNIFER C. WONG ON BEHALF OF RESIDENTIAL CREDIT SOLUTIONS, ITS ASSIGNEES AND/OR SUCCESSORS

Tentative Ruling: Objection to Plan Confirmation **SUSTAINED**. Plan denied confirmation; case dismissed. Order to be held for 7 days to permit debtor time to convert the case to one under Ch. 7 as she appears to want to do. (See ECF #52). As Ch. 13 trustee has also objected to confirmation, Court suggests that movant defer to trustee on order preparation.

If counsel for debtor is prepared to accept the tentative ruling, he should notify counsel for movant, the Ch. 13 trustee and the courtroom deputy and appearances will be excused. IN that event he will be awarded the guideline fee for a consumer Ch. 13 case.

- 2) OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN AND MOTION TO DISMISS CASE FILED BY DAVID L. SKELTON

Tentative Ruling: Trustee's objection to plan confirmation **SUSTAINED**. Plan denied confirmation; case dismissed. Order to be held for 7 days to permit debtor to convert (See ECF #52).

If counsel for debtor is prepared to accept the tentative ruling, he should notify counsel for objector Residential Credit Solutions, the Ch. 13 trustee and the courtroom deputy and appearances will be excused. IN that event he will be awarded the guideline fee for a consumer Ch. 13 case.

ATTORNEY: JOHN C. COLWELL (DONNA MARIE ROGERS)

10:00 AM

14-07230-LA Ch 13 SUSIE B. SABRI

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN AND MOTION TO DISMISS CASE FILED BY DAVID L. SKELTON

Tentative Ruling: Trustee's Objection to Plan confirmation **SUSTAINED**. While debtor believes she has good news about her financial condition, she has failed to make plan payments in excess of \$3600 to date. That is unacceptable. Case will be dismissed without prejudice to refiling once her financial conditions stabilizes.

If counsel for debtor is prepared to accept the tentative ruling, he should notify the Ch. 13 trustee and the courtroom deputy and his appearance will be excused. In that event he will be awarded the guideline fee for a consumer Ch. 13 case.

ATTORNEY: NATHAN M. SHILBERG (SUSIE B. SABRI)

14-08068-LA Ch 13 MICHEAL WILLIAM JONES

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN AND MOTION TO DISMISS CASE. FILED BY DAVID L. SKELTON

Tentative Ruling: Trustee's objection to plan confirmation **SUSTAINED**. Plan denied confirmation; case dismissed. Debtor owes more in unsecured debt than is permitted under Sec. 109(e) and is not eligible for Ch. 13. It appears debtor desires dismissal as well. (See ECF #25).

Appearance of counsel excused. Guideline fee for self-employed debtor's Ch. 13 case awarded with net after deduction of retainer to paid to the extent of funds on hand.

ATTORNEY: CRAIG S. TRENTON (MICHEAL WILLIAM JONES)

14-08226-LA Ch 13 ROBERT S. & MARISA A. ROGERS

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN AND MOTION TO DISMISS CASE. FILED BY DAVID L. SKELTON

Tentative Ruling: It appears that the claims bar date has passed and only one additional claim was filed (on 2/19/15) for \$2008.87. Further, debtor has filed a declaration re: value of her post-petition inheritance. Based on counsel's case status report (ECF #30) and the debtor's declaration (ECF #31), it appears this can be proposed and confirmed as a 100% plan. If counsel submits a PCM increasing the dividend to 100% to unsecured creditors, court is prepared to confirm this plan without appearances. If the trustee and counsel reach agreement on this, please notify the courtroom deputy and appearances will be excused.

ATTORNEY: AHREN TILLER (MARISA A. ROGERS, ROBERT S. ROGERS)

10:00 AM

14-09208-LA Ch 13 ERNESTO H CASILLAS

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN FILED BY LESLIE KLOTT OF LAW OFFICES OF LES ZIEVE ON BEHALF OF BANC OF CALIFORNIA, NATIONAL ASSOCIATION.

Tentative Ruling: **MATTER CONTINUED TO MAR. 25, 2015 at 10:00 a.m.** to permit Sec. 341(a) hearing to conclude and trustee to file objection to confirmation, if any, with debtor's response. In the interim, Banc of CA and debtor are to meet and confer to determine the correct amount of the bank's claim. There is a discrepancy as pointed out by debtor's counsel in ECF #23.

Appearances excused at this hearing; case status reports required before next hearing unless objection withdrawn.

ATTORNEY: KERRY A. DENTON (ERNESTO H CASILLAS)

12-08716-LA Ch 13 PEARL M. REZA-PEREZ

TRUSTEE'S MOTION TO DISMISS CASE

Tentative Ruling: Motion to Dismiss **SUSPENDED ON CONDITIONS:** The conditions are that debtor must make timely plan payments on Mar. 5, Apr. 5 and May 5, 2015 in the amount of \$207/each. Debtor is to execute a PCM raising her plan payments to the specified amount. A timely plan payment is one which is posted to the trustee's account within 14 days of the due date. If debtor makes timely plan payments in the increased amount and executes the PCM, this motion will go off calendar and her case allowed to continue. If she fails to make timely plan payments in the increased amount, the trustee may submit an order dismissing this case without further hearing.

If counsel for the debtor is prepared to accept the tentative ruling, she should notify the trustee and the courtroom deputy and appearances will be excused. In that event, she will be awarded the guideline fee requested.

ATTORNEY: LARISSA L. LAZARUS (PEARL M. REZA-PEREZ)

14-06202-LA Ch 13 DAVID & MARIA E. DESOTO

MOTION FOR RELIEF FROM STAY, RS # RCO-1 REAL PROPERTY .00 FILED BY JONATHAN J. DAMEN ON BEHALF OF WELLS FARGO BANK, N.A.

Tentative Ruling: If movant and debtor manage to arrive at an APO prior to this hearing, notify the courtroom deputy and appearances will be excused. In that event, counsel for debtor will be awarded the guideline fee requested.

ATTORNEY: AHREN TILLER (DAVID DESOTO, MARIA E. DESOTO)

10:00 AM

14-07828-LA Ch 13 STEVEN & SYLVIA P. GASTELUM

MOTION FOR RELIEF FROM STAY, RS # RCO-1 REAL PROPERTY .00 FILED
BY JONATHAN J. DAMEN ON BEHALF OF QUICKEN LOANS, INC.

Tentative Ruling: If movant and debtor manage to arrive at an APO prior to this hearing,
notify the courtroom deputy and appearances will be excused. In that
event, counsel for debtor will be awarded the guideline fee requested.

ATTORNEY: AHREN TILLER (STEVEN GASTELUM, SYLVIA P. GASTELUM)

12-14946-LA Ch 13 FLORENDO R. & LOURDES FARIN

MOTION FOR RELIEF FROM AUTOMATIC STAY RS # PD-1 FILED BY
ROBERT ZAHRADKA ON BEHALF OF WELLS FARGO BANK

ATTORNEY: CARL H. STARRETT (FLORENDO R. FARIN, LOURDES FARIN)

02:00 PM

08-02527-LA Ch 13 HEIDI LIN CORDINA

MOTION FOR DAMAGES FOR CREDITOR MISCONDUCT AND FOR VIOLATION OF THE DISCHARGE ORDER FILED BY JULIAN MCMILLAN ON BEHALF OF HEIDI LIN CORDINA

Tentative Ruling: Motion **GRANTED IN PART; DENIED IN PART; CONTINUED IN PART.**

Denied as to motion for sanctions against PHH Mortgage Corp. Unopposed. There is no evidence that PHH had any knowledge of the debtor's bankruptcy or her discharge order. Debtor's declaration provides no evidentiary support to hold PHH in contempt.

Granted as to motion for sanctions against HSBC. Unopposed. HSBC undisputedly knew about the debtor's bankruptcy case and actually participated in the case by filing two proofs of claims. Its counsel Malcom & Cisneros filed two Notices of Restricted Public Access to the Proofs of Claim in the debtor's case. It received 2 different notices of debtor's plan completion and her discharge.

Damages against HSBC are appropriate.

1. Actual Damages: Attorneys fees and costs of \$4816 plus the cost of attending this hearing, preparing additional pleadings, if necessary and attending a continued hearing (subject to proof by supp. declrn. of counsel) will be awarded.

2. Emotional Distress Damages: Court denies this request. Ex. G is insufficient evidence of severe emotional distress. Debtor visited a doctor in March, 2014 but nothing severe other than generalized anxiety was identified. There is no evidence that debtor needed continuing treatment for any severe medical conditions suffered as a result of the communications (which, in any event, ceased shortly after her doctor visit).

3. Punitive Damages: This request is continued for further proof. The exhibits to debtor's declaration attach a lengthy list of phone numbers without explanation as to what that information represents. Were these calls by HSBC? If so, did debtor actually receive them? What was the import of these calls? And most important, if they are HSBC calls, how many does debtor claim were made to her demanding payment, etc.? **Matter continued to MARCH 25, 2015 at 2:00 p.m.** Supp. declaration of debtor to be filed and served no later than March 12, 2015.

If counsel for debtor is prepared to accept the tentative ruling, he should notify the courtroom deputy and his appearance at this hearing will be excused and this matter will be continued only as to the punitive damages issue to the March 25, date.

ATTORNEY: JULIAN MCMILLAN (HEIDI LIN CORDINA)

02:00 PM

11-15643-LA Ch 13 LISA A. ESTRADA

MOTION FOR APPROVAL OF MODIFIED PLAN

Tentative Ruling: Motion for Approval of modified plan **DENIED** for reasons set forth in trustee's case status report. (ECF #59). This is the third modified plan the court has denied. Counsel will be awarded a guideline fee for one such modified plan; not 3.

If counsel is prepared to accept the tentative ruling, he should notify the ch. 13 trustee and the courtroom deputy and his appearance will be excused.

ATTORNEY: CAROLINA KOTZIAS TILLER (LISA A. ESTRADA)

ATTORNEY: AHREN TILLER (LISA A. ESTRADA)

11-21013-LA Ch 13 CHESTER EUGENE & KRISTI LYNN DVORAK

MOTION TO TEMPORARILY SUSPEND, AND FORGIVE AS LATE, PLAN PAYMENTS FILED BY DANIEL WIEDECKER

Tentative Ruling: Motion to Temporarily Suspend Plan Payment, etc., **GRANTED ON CONDITIONS:** (1) Debtor to turn over to ch. 13 trustee 1/2 of any federal and state income tax refund received for 2014 immediately upon receipt. (2) Debtor to notify the trustee as requested in ECF #73 upon regaining employment.

If counsel for debtor is prepared to accept the tentative ruling, he should notify trustee and the courtroom deputy and his appearance will be excused. In that event he will be awarded the guideline fee of \$490.

ATTORNEY: DANIEL WIEDECKER (CHESTER EUGENE DVORAK, KRISTI LYNN DVORAK)

ATTORNEY: JOHN C. COLWELL (CHESTER EUGENE DVORAK, KRISTI LYNN DVORAK)

12-04011-LA Ch 13 ELENA V. LANSANG

DEBTOR'S MOTION TO MODIFY CHAPTER 13 PLAN

Tentative Ruling: Motion to Modify Ch. 13 Plan **GRANTED**. Unopposed.

Appearance excused on this matter. Submit order forthwith. Guideline fee awarded counsel.

ATTORNEY: Evelyn Johnson (Elena V. Lansang)

02:00 PM

12-13095-LA Ch 13 FIL JOSEPH VINLUAN & JULIET EDITH COLINA BUENVIAJE

DEBTOR'S MOTION TO MODIFY CHAPTER 13 PLAN (Fr 1/14/15)

Tentative Ruling: Motion to Modify Ch. 13 Plan **GRANTED ON CONDITIONS:** Motion to modify is granted prospectively from date of this hearing, provided, that debtor is ordered to submit a letter to the Ch. 13 trustee within 2 weeks of gaining employment, stating the monthly and annual compensation.

If counsel for debtor is prepared to accept the tentative ruling, he should notify the Ch. 13 trustee and the courtroom deputy and his appearance will be excused.

In that event he will be awarded a guideline fee of \$650 for his services.

ATTORNEY: RUBEN F. ARIZMENDI (FIL JOSEPH VINLUAN BUENVIAJE, JULIET EDITH COLINA BUENVIAJE)

12-15839-LA Ch 13 LEONARD & LISA VOISEN

MOTION FOR APPROVAL OF MODIFIED PLAN

Tentative Ruling: Modified Plan dtd 1/21/15 **CONFIRMED.** Unopposed.

Appearance of counsel excused. Submit order forthwith. Guideline fee of \$650 awarded.

ATTORNEY: D.J. RAUSA (LEONARD VOISEN, LISA VOISEN)

02:00 PM

14-05647-LA Ch 13 DAWN M. MAYO

- 1) OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN FILED BY GAIL A. RINALDI ON BEHALF OF NATIONSTAR MORTGAGE, LLC.

Tentative Ruling: **MATTER CONTINUED TO APR. 8, 2015 at 2:00 p.m.**, the same date/time as Nationstar's motion for relief from stay.

Appearance of counsel excused at this hearing. If APO and objection to confirmation resolved prior to next hearing, Nationstar should withdraw this objection. Otherwise, case status report due one week in advance.

- 2) OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN FILED BY TODD HEADDEN ON BEHALF OF TRUSTEE THOMAS H. BILLINGSLEA

Tentative Ruling: It appears the objection of the trustee is resolved as debtor has now made plan payments current through this hearing. (ECF #72).

If trustee agrees, he should notify counsel for debtor and courtroom deputy so counsel's appearance may be excused.

Confirmation will be delayed, however, until completion of lien strip motion.

- 3) OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN FILED BY EDWARD JUN FETZER ON BEHALF OF NORTH ISLAND CREDIT UNION.

Tentative Ruling: **MATTER CONTINUED TO APR. 8, 2015 at 2:00 p.m.** to await outcome of lien strip motion scheduled for 3/4/15. Counsel for objecting creditor requested to withdraw this objection if the lien strip motion is granted.

If not, case status report due one week in advance of continued hearing.

ATTORNEY: EVELYN JOHNSON (DAWN M. MAYO)

14-05661-LA Ch 13 HECTOR MANUEL & GABRIELA ALEJANDRA MOLINA-INZUNZA

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN FILED BY JENNY JUDITH HAYAG ON BEHALF OF TRUSTEE THOMAS H. BILLINGSLEA

Tentative Ruling: **MATTER CONTINUED TO MAY 6, 2015 at 2:00 p.m.** to await outcome of lien strip hearing scheduled for 4/29/15. If plan not confirmable after that hearing, counsel for debtor requested to file a case status report in advance of next hearing.

ATTORNEY: GEORGE PANAGIOTOU (GABRIELA ALEJANDRA MOLINA, HECTOR MANUEL MOLINA-INZUNZA)

10-20565-LA Ch 13 RICHARD A & GAIL A GOERISCH

MOTION FOR RELIEF FROM STAY, RS # GAR-1 .00 FILED BY GAIL A. RINALDI ON BEHALF OF NATIONSTAR MORTGAGE LLC

Tentative Ruling: If parties manage to negotiate an APO in advance of this hearing, please notify the courtroom deputy and appearances will be excused. In that event, counsel for debtor will be awarded a guideline fee for defense of a r.p. stay relief motion.

ATTORNEY: BRIAN J. MCGOLDRICK (GAIL A GOERISCH, RICHARD A GOERISCH)

02:00 PM

14-06871-LA Ch 13 TERRIE NANNETTE LOHMEYER

MOTION FOR RELIEF FROM STAY, RS # JHK-1 2014 CHEVROLET CRUZE;
VIN# 1G1PC5SB0E7300243 .00 FILED BY JOHN H. KIM ON BEHALF OF
AMERICREDIT FINANCIAL SERVICES, INC. DBA GM FINANCIAL

Tentative Ruling: If parties agree to the proposed adequate protection order (ECF #27) in advance of this hearing, please notify the courtroom deputy and appearances will be excused. In that event, counsel will be awarded a guideline fee for defense of a personal property stay relief motion.

ATTORNEY: ALBERTO M. CARRANZA (TERRIE NANNETTE LOHMEYER)

15-00465-LA Ch 13 WILFREDO FACUNDO QUIROZ

MOTION FOR RELIEF FROM STAY, RS # PAZ-001 .00 FILED BY PATRICK C.
MCGARRIGLE ON BEHALF OF DRRF II SPE, LLC

Tentative Ruling: Motion for Relief from Stay **GRANTED**. Debtor's multiple prior bankruptcies and attempt to deed out a partial interest in the property to a stranger who then filed a bankruptcy (now dismissed) causes the court to conclude that this debtor is attempting to hinder and delay this creditor in collecting its debt. Counsel's declaration is NOT evidence. There is no evidence from this debtor contravening the declaration of Brandenburg.

ATTORNEY: JOHN A. VARLEY (WILFREDO FACUNDO QUIROZ)

ATTORNEY: LENNIE ANN ALZATE (WILFREDO FACUNDO QUIROZ)

15-00389-LA Ch 13 JOHN PAUL QUINONES

MOTION TO EXTEND AUTOMATIC STAY

Tentative Ruling: **MATTER CONTINUED TO 3/11/15 at 2:00 p.m.** Amended Notice of Hearing gives parties until 3/6/15 to file Opposition. (See ECF #16).

Appearance excused at this hearing.

ATTORNEY: KEITH E. HERRON (JOHN PAUL QUINONES)

14-09895-LA Ch 13 SHAUN R. REITNAUER

MOTION FOR RELIEF FROM STAY, RS # JCB 001 FOR CAUSE .00 FILED BY
JONATHAN BOND ON BEHALF OF GREENFIELD MOBILE ESTATES

Tentative Ruling: If the parties manage to craft an APO around debtor's offer to make a \$500 payment toward the approximate \$1000 in arrearages, please notify the courtroom deputy and appearances will be excused.

ATTORNEY: AHREN TILLER (SHAUN R. REITNAUER)